

**DRAFT MINUTES
SPECIAL BOARD OF SELECTMEN MEETING
PUBLIC HEARING – CHARTER REVISION
APRIL 19, 2012
6:45 P.M., ROOM 133, TOWN HALL, 100 POCONO ROAD**

Present: First Selectman B. Davidson, Selectmen H. Lasser and G. Walker; Members of the Charter Revision Commission: Chairman L. Miller, Vice Chairman J. Park, Secretary D. Miles, R. Jaffe, S. Martone, D. Propper (Absent were: G. Dembowski, M. Labadia, and P. Scalzo)

Also Present: Recording Secretaries G. Giovanniello (for the BOS) and D. Cioffi (for the CRC); other interested members of the press and the public

1. Call to Order

The meeting was convened at 6:45 p.m. by First Selectman Davidson.

The following agenda items were discussed and motions were made:

- 2. Notice of Annual Town Meeting and recommend in the call that the budget submitted by the Board of Finance be decided in a single amount inclusive of Town Operations and Education, or in separate amounts for Town Operations; and**
- 3. Postcard Notifications to Voters.**

4. Recess - from 6:55 p.m. to 7:01 p.m.

5. Charter Revision Commission Draft Report

First Selectman Davidson opened the Public Hearing at 7:02 p.m.

The following members of the public offered comment:

M. Flynn, 18 Farview Rd., Chairman, Brookfield Republican Town Committee, speaking on behalf of its twenty-five members. Mr. Flynn indicated that the Committee is unanimous in its opposition to a five-member BOS and a Town Manager. He advised that he has spoken before the BOS and the CRC and expressed this opinion previously. Mr. Flynn stated that he feels there is no need to change the form of government, or to expand government.

L. Samuel, 68 Meadowbrook Rd., was present. He also spoke in opposition to any increase in the number of BOS, and the proposal for a Town Manager.

J. VanHise, Chairman, Planning Commission, 14 Long Meadow Hill Rd., spoke on behalf of the entire Planning Commission, advising that it is against the proposal to merge the Planning and Zoning Commissions. He indicated that the reasons for this position include: 1) the responsibility and roles of each Commission are different, therefore, combining them would not save any resources; 2) the decision to combine the Commissions appears to be based upon current economic climate and reduced development and does not take into consideration the economic growth that took place five or six years ago; 3) Land Use Office Manager K. Daniel has presented an updated lot line map of the town that demonstrates a number of oversized lots that could be subject to re-subdivision, and the presence of smaller lots that can undergo abrogation, and then be further subdivided; 4) a modest recovery would result in the need for planning for infrastructure; 5) there are still 8-24 referrals to be addressed by the Planning Commission. With regard to the comments offered at the CRC public hearing by the Mansfield Town Manager about that town's decision to combine its Planning and Zoning Commissions, Mr. VanHise pointed out that Mansfield has Town Planner. Additionally, Mr. VanHise noted that the neighboring municipalities of Danbury and New Milford have separate Planning and Zoning Commission. Further, he indicated that Brookfield cannot afford to pay a professional planner, and should continue to utilize volunteers. Mr. VanHise also cited the amount of time it takes for new members to learn the regulations and procedures of each Commission; and stated that combining them would "double the learning curve". Lastly, he pointed out that combining the commissions would result in unreasonably long meetings, and would not make the application process any more efficient.

S. Harding, 56 Mist Hill Dr. was present, and indicated that he is opposed to a five-member BOS. He pointed out that the proposal has been voted on and rejected twice. He stated that the proposal would change the form of government, and advised that the Town cannot afford a Town Manager; and having one would remove the "democratic society that this town upholds".

W. Mercer, 42 Candlewood Shores Rd., Chair of Zoning Commission, was present, and spoke in favor of combining the Planning and Zoning Commissions, for the reason that it eliminates the possibility of applicants causing a division between the two commissions.

S. Parker, 78 Arrowhead Road, was present, and spoke in opposition to the CRC proposal to hire a Town Manager. He cited the reason that it would be difficult to terminate a Town Manager. He also spoke in opposition to an increase to a five-member BOS, and disagreed that it would increase the pool of candidates or representation. Additionally, he did not believe that it would allow more transparency in meetings, but instead would lead to more "side meetings".

J. Miller, 115 Obtuse Hill Rd., was present. She stated that “secret meetings” take place now. Mrs. Miller indicated she is in favor of a five-member BOS to encourage an exchange of ideas between Democrats and Republicans. She was in favor of having a professional trained in town management, and advised that having such a trained individual would not change the form of government, but would result in better operations of the Town. She likened the Town Manager position to that of the Superintendent of Schools.

J. Friedrich, 10 Cherokee Dr., Chairman of the Board of Finance, was present, and spoke on his own behalf. He advised that he was in opposition to putting the requirement of a Town Manager into the Charter. With regard to Mrs. Miller’s analogy concerning the Superintendent of Schools, Mr. Friedrich pointed out that the Town budget is half that of the education budget.

M. Grimes, Horsehill Rd., was present. He thanked George Walker and Greg Dembowski for their participation in the Charter Revision process. He pointed out that Mr. Dembowski made a motion to reconsider the five-member BOS at a CRC meeting, and no one on the Commission seconded the motion. He discussed the failed attempts of the last two Charter Revision Commissions. Mr. Grimes also pointed out that President Abraham Lincoln had few degrees or certification but led our country through great turmoil.

R. Jaffe, 21 White Pine Dr., member of CRC, was present. He advised that he was not speaking on behalf of the Commission, but clarified that there has never been a time during the CRC’s meetings when members have not listened to another member’s ideas. He noted the mutual respect among its members during all of its public meetings.

D. Propper, 53 Lake George Rd., also a member of the CRC and also speaking on his own behalf, discussed the measure often utilized by the CRC in making recommendations for change: whether there was “a compelling reason to make a change”, or a “compelling, practical reason to make a change”. Mr. Propper discussed the current problem of the three members of the BOS being unable to talk to one another without having a formal meeting. He indicated that it stifles the exchange of ideas. He noted that there has been a great opportunity for public input for the Charter Revision process during the tenure of the current Commission.

First Selectman Davidson noted that no member of the public present this evening spoke to the other changes recommended by the CRC, specifically, the increase in the number of signatures required for referendum to four percent; the increase in the amount of expenditure by the BOS to \$100,000; or the advisory questions.

The public hearing concluded at 7:31 p.m., and the public was thanked for its thoughts.

A short recess was taken, and the Board of Selectmen's meeting resumed at 7:40 pm.

Selectman Walker indicated that he agreed with Mr. Friedrich's discussion about not making the change to a Town Manager through the Charter Revision. He remains opposed to increasing membership on the BOS to five members; however, he believes this is a question to be decided by the voters. With regard to the combination of the Planning and Zoning Commissions, after listening to Mr. VanHise, he would recommend that those two Commissions not be merged.

Selectman Lasser pointed out that there are Charter requirements to hire a controller, a Town Attorney, and other professional technical experts. He believes that hiring a Town Manager is a question for the voters to decide. With regard to the increase to a five-member BOS, he is in favor of it because as the current system stands, two selectmen can make decisions affecting all 16,000 residents, and an increase in BOS membership will increase diversity of opinion, which is better for decision-making. With regard to the merger of the Planning and Zoning Commissions, he inquired how the strategic vision of the Town could be aligned with the regulations if the commissions are not combined. He believes this recommendation should be reconsidered by the BOS. Selectman Lasser also believes that residents should have the right "within limits" to modify the budget with an increase or decrease via a Town Meeting,

First Selectman Davidson indicated he was in favor of a Town Manager because the position allows for continuity in leadership and management. He also pointed out the complexities of the First Selectman position, noting the size of the Town's budget and number of employees, and the current lack of any formal qualifications for the position. First Selectman Davidson also noted the ceremonial duties of the position. He stated that regardless, the First Selectman's office needs more staff. First Selectman Davidson is in favor of increasing the members of the BOS to five to allow for better communication among the members. He is also in support of the increase to four percent for Town Meetings, the increase to \$100,000 for expenditure allowances, and the recommended advisory questions. He agrees with Selectman Lasser's support for the residents' ability to increase and reduce budgets at the Annual Town Meeting.

CRC Vice Chairman J. Park inquired if the BOS has had the opportunity to determine how the ballot questions are presented to the public. First Selectman Davidson noted that the BOS does not need to have the questions to the Secretary of State until September 1, 2012. Selectman Lasser believes that at the last Charter Revision vote, there was a separation of the key issues when the proposed changes were presented to the voters. Vice Chairman Park pointed out that the CRC has made available a chart of pre- and post-Charter Revision recommendations.

Selectman Lasser indicated he would like to see a “more specific delineation of job responsibilities” for the Town Manager and First Selectman positions, and the CRC members indicated they would be providing that information.

Selectman Walker agreed that the job of First Selectman is “enormous.” His concern lies with requiring the position of Town Manager by Town Charter.

CRC Chairman L. Miller pointed out that the Town previously had an Operations Manager but the position is not in the budget anymore. He indicated that putting the position of Town Manager in the Charter would compel the Town to have the position.

Selectman Walker inquired if it was legal to increase the budget recommended by the Board of Finance. CRC member R. Jaffe advised that he spoke with the Town Attorney about that legal question and was advised that if the change maintains residents’ ability to control a financial decision, it is allowed. He offered to have a legal opinion accompany the CRC recommendation.

Selectman Lasser indicated that he also wanted to discuss the ability of residents to petition to override a veto of the Board of Finance for an appropriation.

CRC member D. Propper inquired regarding the language of hiring and firing the Town Manager, and if the BOS would add language to the proposed Charter change after the CRC is dissolved. Selectman Lasser stated that his recollection that the previous Charter Revision made the recommendation for the wording of the new Charter, and how it should be presented to the public via the ballot questions. He does not believe that the BOS can “wordsmith” the language after the CRC is dissolved.

CRC Chairman Miller requested that the BOS advise the CRC of any language it believes is in error. Selectman Lasser noted that the BOS does have the ability to decide what goes to the voters, and residents can petition to have items put on the ballot. He also believes that typographical errors can be corrected via the Town Attorney.

CRC member R. Jaffe requested that the BOS send the CRC its Minutes of tonight’s meeting, and both Boards agreed that the Minutes of each Board will serve as a record of the meeting.

6. **Adjourn** - Selectman Walker moved to adjourn the meeting at 8:06 p.m. Selectman Lasser seconded the motion, and it carried unanimously.